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684 [538] [837] man. He loved his mother as every faithful son should. In fact, he loved her with an exceptionally deep filial love. But alas! How painful it must have been for him to learn that his mother, whom he so worshipped, had an illicit lover! His heart burst with grief and rage. Nika Bulat at once rushed to the adulterer's home; his eyes flashed with rage as he whipped out his dagger and plunged it into the lover's heart. Nika Bulat then hacked off his head and hands, and took these gory limbs and head to his mother, and staring at her for a moment as if he had gone mad, dropped them at her feet. On seeing her furious son and especially the gruesome sight before her, she burst into tears, but tears that only served to make Nika Bulat's blood boil with rage even still more violently. With one thrust of his dagger, his mother lay dying beside the head and hands she once so wrongfully loved to clasp. But that is not the end of the tragedy. Nika Bulat's sisters were present and witnessed all. They fell down on their knees, weeping bitterly on their mother's breast, as she bled and gasped. But Nika Bulat did not allow his sisters to weep. That same dagger was whipped out once again, and like a flash plunged into the heart of one of his sisters, and then into the heart of the other, thus putting an end to their sobs, sobs that were, in eyes of Nika Bulat, an approval of their mother's crime. For this great act of heroism Nika Bulat was admired by all and proclaimed the head of the village.[31]

[834] This abhorrence of sexual crimes is brought out further by the fact that any accidental touch of the bare hand of a strange woman is considered a violation, and both are regarded as "unclean."[32] Especially in dances all physical contact must be scrupulously avoided, no matter how small and crowded the room may be. Baddeley describes how the dancers curve in and out within a few inches of each other, but never is there even the slightest bodily contact, "the breach of this observance, even inadvertently, leading to many a fatal quarrel. A husband, brother or lover, looking on with jealous eye, would whip out his 'kinjal' at the mere suspicion of a touch..."[33] A further reflexion of this extreme sensitivity is the considerably large number of *adats* which make no distinction between mere contact and actual rape. In the Districts of Hyuraki, Usisha, and Mugn, for example, actual rape, attempted rape, and a mere suspicious touch or approach are all equally punished.[34]

684 838 Homosexuality is punished as severely as voluntary illicit relations between persons of the opposite sex. To mention but a few examples: in Hyuraki District, the two persons caught in the act may be killed on the spot by their relatives, or else, if spared, each must pay a fine of three oxen to the community, and both persons are banished for a year, not to mention other penalties;[35] in

[31] Cf. Dirr, AGKB, pp. 75 f.

[32] L'vov, "Domašnjaja i semjnaja žizn Dagestanskich gorcev Avarskago plemeni," SSKG, III (1870), p. 21.

[33] Baddeley, *op. cit.*, II, p. 13.

[34] Cf. "Adaty Darginskich Obščestv," SSKG, VII (1873), pp. 65, 91, 105.

[35] "Adaty Darginskich Obščestv," p. 92. To free one's self from a charge of homosexuality 40 conjurors are required just as in the case of murder (*ibid.*).

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Akusha, Tsudakhar, Mugn, Nikakhya, Hyuraki, Usisha, and Sirgua the penalty for homosexual rape is the same as that for murder.[36]

Bestiality is not punished as severely as other sexual crimes. Generally, the person is merely fined; he is never killed for the act.[37]

If a maiden or a widow becomes pregnant, she may secretly break into the home of her seducer, give birth to the child, and as a result, he must marry her. This practice, however, is not an *adat* but a practice encouraged by the Šâfi'itic school.[38]

The SOUTHERN CAUCASIANS. In ancient Georgia a husband had the right to kill his adulterous wife as well as her lover; a father had the right to kill the accomplice of any of his children.[39] In more recent times, the male partner was generally spared by the Pshavs,[40] Khevsurs,[41] and the Tushi,[42] otherwise the avenger himself would become a blood-enemy. In Svanetia illicit intercourse was not punished with death if the lovers happened to be of the same village.[43] Among the Svans, later on, the avenger of an act of illicit intercourse was obliged to pay half of the usual *tsor* (bloodwite),[44] and this very sum (besides a refund of the *kalym*) had to be paid to him by the family of his adulterous wife,[45] so that to become a blood-enemy in such a case did not involve great inconvenience. In Khevsuria, for example, if the life of the adulteress was spared, she would be subjected to indescribable torture. Her cheeks would be slit, her nose, ears or arms would be amputated and hair cut off.[46] This sort of punishment has not yet completely disappeared, though it has become very rare. Baddeley speaking of his host in Georgia writes: "Our host told us that his own uncle, having served a sentence of imprisonment in Tiflis, came back to find his wife living with another man ... He cut off one of her ears, her nose and her right hand; but that was some time ago."[47] Today the penalty for adultery is not half as severe: generally the wife is divorced and the *kalym* must be refunded to the husband together with half of the usual bloodwite.

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[36] "Adaty Darginskich Obščestv," p. 21.

[37] Cf. "Adaty Darginskich Obščestv," pp. 52, 92, 106, 119.

[38] Kovalevskij, *Zakon*, II, p. 168.

[39] Code of King Vakhtang VI, § 42. Karst ed. p. 92 f.

[40] Kovalevskij, *Zakon*, II, p. 94.

[41] Kovalevskij, *op. cit.*, II, p. 120.

[42] *ibid.*

[43] Kovalevskij, *Zakon*, II, p. 94: "Pravilo, po kotoromu preljuboděi i soblazniteli podležali krovnoj mesti, terpělo u pšavov isključenie v tom slučae, kogda vinovnymi javjalis' odnosel'čane — rodstveniki. Město ubijstva v etom slučae zanimala prekraščenie vsjakago obščenija i nerědko istreblenie ličnoj sobstvennosti." Just why should illicit intercourse be more severely punished if persons of different villages are in question? It would seem that the Svanian rule of local endogamy lessens the guilt; that is, the intercourse takes place between two *possible* mates. Moreover, blood-feuds between relatives are, as a general rule, impossible.

[44] Dirr, AGKB, p. 83.

[45] *ibid.*

[46] Makalatija, "Iz starogo narodnogo byta Pšavov," SE, 1938, No. 1, p. 109; Baddeley, *op. cit.*, I, p. 237; Dubrovin, *Istorija*, I, ii, p. 312.

[47] Baddeley, *l. c.*